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HOUSE BILL NO. 956

Offered January 14, 2004

Prefiled January 14, 2004

A BILL to amend and reenact § 24.2-673 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 24.2-673.1, relating to number of votes required to elect a candidate for office; instant runoff voting.

Patron—Barlow

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-673 of the Code of Virginia is amended and reenacted, and that the Code of Virginia is amended by adding a section numbered 24.2-673.1, as follows:

§ 24.2-673. Candidates having highest number of votes to receive certificate of election.

A. Except in the case of a recount pursuant to the provisions of Chapter 8 (§ 24.2-800 et seq.) of this title, in all elections for the choice of any officer, unless it is otherwise expressly provided, the person having the highest number of votes for any office shall be deemed to have been elected to such office and shall receive the certificate of election.

B. Notwithstanding the provisions of subsection A of this section, the governing body of any county or city may provide by ordinance for the conduct of elections for the governing body and school board of the county or city in accordance with the provisions of § 24.2-673.1, for instant runoff voting, and for the election of the person receiving a majority of the votes for the office.

§ 24.2-673.1. Instant runoff voting.

A. Ballots approved under this section shall be simple and easy to understand, and shall allow a voter to rank candidates for an office in order of choice. The voter may include no more than one write-in candidate among his ranked choices for each office. If feasible, ballots shall be designed so that voters may mark their first choices in the same manner as that for offices not elected by instant runoff voting. Sample ballots illustrating voting procedures shall be posted in or near the voting booth, and shall be included in the instruction packet of absentee ballots.

Directions provided to voters shall conform substantially to the following specifications, although subject to modification based on ballot design and voting equipment:

"Vote for candidates by indicating your first-choice candidate, your second-choice candidate and so on. Indicate your first choice by marking the number "1" beside a candidate's name, your second choice by marking the number "2" by that candidate's name, your third choice by marking the number "3," and so on, for as many choices as you wish. You are free to rank only one candidate, but ranking additional candidates cannot help defeat your first-choice candidate. Do not mark the same number beside more than one candidate. Do not skip numbers."

B. The first choice marked on each ballot shall be counted initially by election officials.

If any candidate receives a majority of the first choices, that candidate shall be declared elected.

If no candidate receives a majority of first choices, the electoral board shall conduct the instant runoff consisting of additional rounds of ballot counting.

In every round of counting, each ballot is counted as one vote for that ballot's highest-ranked advancing candidate. "Advancing candidate" means a candidate for that office who has not been eliminated.

A candidate receiving a majority of valid votes in a round is declared elected. If no candidate receives a majority of valid votes in a round, the candidate with the fewest votes shall be eliminated, and all ballots shall be recounted.

This process of eliminating the candidate with the fewest votes and recounting all ballots shall continue until one candidate receives a majority of the valid votes in a round.

If a ballot has no more available choices ranked on it, that ballot shall be declared "exhausted" and not counted in that round or any subsequent round. Ballots skipping one number shall be counted for that voter's next clearly indicated choice, but ballots skipping more than one number will be declared exhausted when this skipping of numbers is reached. Ballots with two or more of the same number shall be declared exhausted when such duplicate rankings are reached unless only one of the candidates with the duplicate ranking is an advancing candidate.

C. Any ties that could affect the outcome of the election shall be resolved in accordance with § 24.2-674.

D. The State Board may provide for the use of mechanical, electronic or other devices for marking,

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59 *sorting and counting the ballots and tabulating the results, and may modify the form of the ballots, the*
60 *directions to voters, and the details with respect to the method of marking, sorting, counting,*
61 *invalidating, and retaining of ballots, and the tabulating and recounting of votes, provided that no*
62 *change shall be made that will alter the intent or principles embodied in this section.*

63 *E. 1. If the Secretary of the State Board determines that the number of candidates for a particular*
64 *office exceeds the practical space requirements for ranking all candidates on the ballot, the number of*
65 *allowable rankings can be limited to no fewer than four candidates or the total number of candidates.*

66 *2. To facilitate ballot counting in any round, the local electoral board may simultaneously eliminate*
67 *all candidates with no mathematical chance of winning. A candidate has no mathematical chance of*
68 *winning if the sum total of all votes credited to that candidate and any candidate with fewer votes is*
69 *less than the number of votes credited to the candidate with the next greatest number of votes.*

70 *F. For all statutory and constitutional provisions of the Commonwealth pertaining to the rights of*
71 *political parties, the number of votes cast for a party's candidate for a particular office shall be defined*
72 *as the number of votes credited to that candidate after the initial round of counting.*